

) CASE NO. CV 05-0019
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January 24 & 25, 2006

APPEARANCES:

1. MARK B. HANSON, ESQ.
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Attorney for Plaintiffs

2. STEPHEN J. NUTTING, ESQ.
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3. MR. KIM HANG KWON
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Defendant/Asia Enterprises, Inc.

4. MR. ALEX J. TAE
P.O. Box 502002 CK
Saipan, MP 96950

Official Translator (Korean)

STIPULATIONS: None.

1 KIM HANG KWON,

2 having first been duly sworn by the Notary Public Mark B. Hanson, was examined and
3 testified as follows:

4 EXAMINATION BY

5 MR. HANSON: We're on the record. In the case of Li Ying Hua, Li Zheng Zhe,
6 and Xu Jing Ji, plaintiffs versus Jung Jin Corporation, Asia Enterprises Inc., Park Hwa
7 Sun, and Kim Hang Kwon, defendants in case number CV 050019 currently pending in
8 the United States District Court for the Northern Mariana Islands.

9 This is the time that we've agreed to the deposition of Asia, defendant Asia
10 Enterprises Inc. pursuant to a notice of deposition under rule 30(b)(6). My name is Mark
11 Hanson. I am the attorney for plaintiffs. I will also be the officer for this deposition.

12 Present today for Asia Enterprises Inc., as I understand it, is Mr. Kim Hang
13 Kwon, who is also a defendant. We are only doing Asia Enterprises Inc.'s deposition at
14 this time. The attorney for defendants, Mr. Steve Nutting, is present and as a neutral
15 translator we have Mr. Alex Tae.

16 Today is January 24, 2006 and this deposition is beginning at approximately 2:32
17 p.m. in the law offices of Mark Hanson on Beach Road in Garapan, Saipan, CNMI.

18 Good morning, good afternoon Mr. Kim.

19 MR. KIM: (in English) Hi, good afternoon

20 MR. HANSON: First I would like to swear you in. Raise your right hand and
21 please say do you swear to tell the whole truth, the nothing -- the truth, the whole truth
22 and nothing but the truth here today in this deposition?

23 MR. KIM: (in English) Yes.

1 MR. HANSON: Okay. Now, again, I'm going to explain to you as I did in the
2 previous deposition that we started, if there's anything that you don't understand today, I
3 don't want you to respond. I would like you to ask for clarification.

4 Do you understand?

5 MR. KIM: Yes.

6 Q: We already discussed what's going to happen here today in the deposition.
7 You're clear about the process that we're going to use today?

8 A. Yes.

9 Q. I'm going to ask you questions and we're going to record those.

10 A. (in English) Yes.

11 Q. Okay. And for the record you've already stated that you are not under the
12 influence of any alcohol or any other medication; correct?

13 A. No.

14 Q. And you feel fine today, you're not sick at all?

15 A. (in English) I'm fine.

16 Q. Okay. Are you here today appearing on behalf of Asia Enterprises Inc.?

17 A. Yes.

18 Q. What is your position with Asia Enterprises Inc.?

19 A. (in English) President.

20 Q. Now, is it okay if I just refer to it as Asia from now on?

21 A. Yes.

22 Q. Okay. And if there's any confusion, if you don't know what I'm talking
23 about, you'll ask me, you'll say I don't know what you're talking about?

24 A. Yes.

1 Q. Okay. Have you seen a copy of a notice of a rule 30(b)(6) deposition
2 of Asia Enterprises?

3 A. Is this the one I sent in Mr. Nutting earlier?

4 Q. I don't know. What did you send to Mr. Nutting earlier?

5 A. I received something from you and sent, handed it over to Mr. Nutting.

6 Q. I think you're talking about the complaint. No. We sent Mr. Nutting, your
7 attorney, a notice. It had basically a list of all of the things that we wanted to discuss
8 here today. That's not a question it's a statement.

9 A. [Discussion with interpreter]

10 Q. Have you seen a copy of a document that we sent to him, that has this list of
11 the questions we --

12 A. (in English) No, I don't think so.

13 Q. Have -- do you know what questions you're here today to discuss? What
14 issues, with regard to Asia Enterprises --

15 A. (in English) I don't know.

16 Q. You don't know?

17 A. (in English) In regard to this.

18 Q. And nobody has ever explained to you why you're here today?

19 MR. NUTTING: Objection; to the extent that it calls for information that may
20 be, conclude discussions between Mr. Kim and myself as privileged communications
21 and they're improper.

22 MR. HANSON: Fair enough.

23 Q. Do you know why you're here today?

24 A. (in English) Because, you know, about Asia. This, two of our Chinese guy

1 complain overtime. That's why I came here.

2 Q. Okay. So you're here today because a couple of people complained about
3 overtime; is that correct?

4 A. (in English) Yes.

5 Q. Do you know who those people are?

6 A. Somebody called Mr. Li Zheng Zhe and a lady who lives with him called Xu
7 Jing.

8 Q. Anybody else?

9 A. There's another -- there's another lady named Li Ying Hua, she once brought
10 a lawsuit against me for sexual harassment.

11 Q. When -- now we're talking about Mr. Li Ying Hua; is that correct?

12 A. (in English) That's correct.

13 Q. For the record, that's one of the plaintiffs; is that correct? Is she a plaintiff
14 in this case?

15 A. I saw it from the newspaper.

16 Q. Did you see from any documents that were given to you in the past, about
17 this case?

18 A. I heard it from Mr. Nutting.

19 Q. Okay. So you understand that Ms. Li Ying Hua is a plaintiff -- is
20 complaining against you in this case?

21 A. (in English) Yes.

22 Q. Now, you said that she had filed a complaint about you, or against you,
23 about sexual harassment. Is that what you said?

24 A. No.

1 Q. Has she ever complained to you about sexual harassment?

2 A. No, she hasn't. I also heard a story from another Korean fellow saying that
3 Ms. Li Ying Hua had confessed to the Korean guy --

4 A. (in English) Korean lady

5 A. Korean lady -- that she had no other excuse to file a lawsuit against him.
6 That's why she called for a sexual harassment, and she does feel bad about it. How she
7 came out with the sexual harassment but somebody must have told one of those three
8 ladies, three people --

9 A: (in English) even the lawyer or whatever, who asked, both of them may be,
10 to make like this --

11 A: -- that they must --

12 Q. Who is this, what's the name of this other lady that Ms. Li supposedly talked
13 to?

14 A. She's the owner of the Korean restaurant. She has a close relationship with
15 Ms. Li. We had a barbeque down at the beach one day and the owners of the restaurant
16 came up to him and asked him whether this is, Mr. Kim that Ms. Li has mentioned, and
17 she was surprised. She was surprised that she looked like a different person. She didn't
18 look like a person who commit a sexual harassment.

19 Q. Do you know her name - the owner of this Korean restaurant?

20 A. (in English) I don't.

21 Q. What's the name of the restaurant?

22 A. (in English) Korean restaurant, the name's Plo.

23 Q. Can you spell that for me please?

24 A. (in English) I don't know, just like how, I don't know how it's spelled.

1 A: It must be named differently in English, it's in Chinese. It uses Chinese
2 character although it's a Korean restaurant. I know where it's located.

3 Q. Phonetically what does it sound like?

4 A. Like T-A-U something. T-E-U.

5 Q. So phonetically it's like Teu.

6 A. Yes.

7 Q. Okay. Now, Mr. Kim is it your understanding then that Ms. Li is
8 complaining against you in this case about sexual harassment?

9 A. (in English) Yes.

10 Q. Do you know if she is also complaining against you for not paying her
11 wages?

12 A. Who?

13 Q. Li Ying Hua.

14 A. She's not under the corporation, she's under Jung Jin Corporation.

15 Q. Okay. What is Jung Jin Corporation?

16 A. Jung Jin Corporation belongs to Park Hwa Sun.

17 Q. Who is Park Hwa Sun?

18 A. She left for Korea last night.

19 Q. It's a woman?

20 A. (in English) Yes.

21 Q. Is that your wife?

22 A. (in English) No.

23 Q. Is it your girlfriend?

24 A. (in English) No.

1 Q. Your business partner?

2 A. (in English) Yes.

3 Q. Do you live together? Do you live with her?

4 A. (in English) Yes.

5 Q. How long have you lived with her?

6 A. (in English) Since long time.

7 Q. How long?

8 A. (in English) Oh may be almost 10 years, over, a little bit over, like.

9 Q. Where did you meet her?

10 A. (in English) I met her in Korea.

11 Q. Were you living in Korea at the time?

12 A. (in English) No, just coming, already live here.

13 Q. Did you bring her here with you to Saipan?

14 A. (in English) She's here. She started coming.

15 Q. So you met her in Korea and then you met her again in Saipan?

16 A. That's right.

17 Q. And that's when she started living with you?

18 A. We didn't live together. I came to Saipan for three years before she did, and
19 when she first came to Saipan she didn't speak a word of English, and she didn't know
20 what to do. She had no way to get around and things like that, so we lived under the
21 same roof but we used separate rooms.

22 Q. So you don't have any children together?

23 A. (in English) No.

24 Q. Do you have any relationship with Jung Jin Corporation?

1 A. (in English) Nothing, no.

2 Q. Are you an officer of Jung Jin Corporation?

3 A. (in English) I am not.

4 Q. Have you ever been an officer of Jung Jin Corporation?

5 A. I think I was listed for a vice person of Jung Jin Corporation when the
6 company was first established, but I was only, the only reason for that was to set up a
7 company.

8 Q. Have you ever been a director of Jung Jin Corporation?

9 A. No.

10 Q. Have you ever been a shareholder of Jung Jin Corporation?

11 A. Yes I was but it was only for the documents.

12 Q. I don't understand what that means. Can you explain that to me, only for the
13 documents?

14 A. When Jung Jin Corporation was initially established, they needed a person
15 with permit here in Saipan, legal permit here and that's why my name was listed in the
16 corporation. I did not invest any money on it, and the reason why I was part of the
17 shareholder was I was told by the business agent here that in order for him to be a vice
18 president of the company he needs to hold a certain amount of shares. So when I
19 terminated from the company I did not get paid. I was just automatically replaced by
20 somebody else who was interested in that company.

21 Q. Who was that?

22 A. There are so many of them. Some people have left for Korea.

23 There should be documents with you that shows all the names of the
24 replacements. It should show everything.

1 Q. For Jung Jin; right?

2 A. (in English) Yes.

3 Q. Okay. When you say -- when you terminated your relationship with Jung
4 Jin, what date was that?

5 A. I think it was -- I think -- I think it was about two years ago when I pull my
6 name out from the corporation, and I'm not sure whether I should tell you all my private
7 reasons for the purpose of my termination from the company.

8 Q. Well, let's talk about that. What are your private reasons for your
9 termination of the company?

10 A. [Discussion with translator].

11 Q. I hate to interrupt you in the translation of that, but it's going to help Mr. Tae
12 and us to understand what you're saying if you break it up and give him a chance to
13 translate.

14 A. (in English) Oh yes. Okay. I understand.

15 Q. Okay.

16 A. We got into a huge argument and that's when I pulled my name out from the
17 corporation.

18 Q. You got into an argument with who?

19 A. The woman, Ms. Park Hwa Sun.

20 Q. And that was about two years ago?

21 A. (in English) Yep, two years.

22 Q. Do you remember what year?

23 A. (in English) I don't know.

24 Q. Do you remember what month?

1 A. (in English) I don't remember that.

2 Q. Was there something that happened around that time with Asia, and your
3 business, that would help you remember when it was that you got in a fight with Ms.
4 Park?

5 A. It was around the time when someone, when myself and another business
6 man, poker business, got into a lawsuit and every time I get into a lawsuit they put my
7 company and Asia Jung Jin Corporation together. That's when I separated.

8 Q. When was that other lawsuit?

9 A. I don't clearly recall my memory but it was around two to three years ago.

10 Q. And this other lawsuit, somebody or some company sued Asia, and your
11 business partner; is that correct?

12 A. (in English) Yes.

13 Q. Did they sue you personally?

14 A. It was both personal and company.

15 Q. And what was your business partner's name?

16 A. Who -- the person who brought the lawsuit?

17 Q. Well, no, no, the one that filed -- well. Okay. You said you had a business
18 partner in a poker business; right? Is that what you said.

19 A. (in English) Yes.

20 Q. What was the name of that person?

21 A. (in English) Choi.

22 Q. Mr. Choi?

23 A. (in English) Yes.

24 Q. What was his full name? His first name?

1 A. Choi Byung Seob.

2 Q. Choi Byung Seob. B-Y-U-N-G.

3 A. (in English) S-U.

4 Q. S-U-D?

5 A. (in English) S-U-D. S-E-O-B. S-E-O-B.

6 Q. S-E-O-B. Is Mr. Choi the one that sued you?

7 A. (in English) Yes.

8 Q. Why did he sue you, and Asia?

9 A. Main reasons was that the agreement that I made with Mr. Choi had expired,
10 and I wanted out from the business that we were running together. His reason for the
11 lawsuit was that according to him the period was not, the agreed period was not over yet.

12 Q. What happened with that lawsuit? What was the result?

13 A. It's not concluded yet.

14 Q. Still going on?

15 A. (in English) I don't know.

16 Q. Have you had to go to court for that case?

17 A. No I haven't. (in English) No.

18 Q. When was the last time you had to do anything for that case?

19 A. (in English) May be it's all finished up. I don't know. May be three years
20 or something.

21 Q. Did you settle the case?

22 A. (in English) No.

23 Q. Did you go to a trial in the case?

24 A. (in English) No.

1 Q. Is Mr. Choi still in town? Is he still in Saipan?

2 A. (in English) Yes.

3 Q. Where is he now? Where does he stay?

4 A. (in English) I don't know where is now.

5 Q. Does he have a business?

6 A. (in English) Yes.

7 Q. What's the name of the –

8 A. Poker machines.

9 Q. What's the name of his poker business?

10 A. Plenty business the kind is plenty, laundrymat, market, poker, plenty may be.

11 I cannot counting that.

12 Q. Does he own the Wonderful Market?

13 A. (in English) Huh?

14 Q. Wonderful Market?

15 A. (in English) No.

16 Q. What laundry market, what laundry does he own?

17 A. I'm not sure what he owns now, but when we were in business together he
18 used to own a laundrymat called Pu near by Aslito area.

19 Q. Have you had to pay Mr. Choi any money?

20 A. I did not pay him a penny.

21 Q. Do you owe Mr. Choi money?

22 A. No.

23 Q. Does Asia owe Mr. Choi any money?

24 A. No.

1 Q. Does Asia owe anybody any money?

2 A. Yes.

3 Q. Who does Asia owe money to?

4 A. There's about 400,000 loan from Kan Pacific.

5 Q. Okay. Asia borrowed 400,000 from Kan Pacific?

6 A. Yes, approximate \$400,000.

7 Q. When was that?

8 A. Three to four years, but it wasn't borrowed at one time.

9 Q. Is there a particular -- who's the owner of Kan Pacific?

10 A. It was borrowed, I was, it was borrowed from the wife of Kan Pacific.

11 Q. Okay. Who -- what's the name of the wife of Kan Pacific?

12 A. (in English) Kim Pil P-I-L.

13 Q. K-I-M.

14 A. (in English) P-I-L. I don't know.

15 (by translator) P-I-L-S-U-N.

16 Q. What we're talking about is \$400,000. All right. Okay. So, Asia borrowed
17 four hundred, approximately \$400,000 from Kan Pacific's wife.

18 A. (in English) Yes.

19 Q. Who is Kan Pacific?

20 A. The woman of Kan Pacific and they run a Marianas Restaurant.

21 Q. Marianas Resort.

22 A. (in English) Yeah, Marianas Resort, yes sir.

23 Q. Marianas Resort?

24 A. (in English) Yes.

1 Q. And Kim Pil Sun?

2 A. (in English) Yes.

3 Q. That's the wife?

4 A. (in English) Wife.

5 Q. And the wife, now did the wife loan Asia \$400,000 or did Kan Pacific?

6 A. Wife loaned \$400,000. It was from the wife.

7 Q. From the wife, and that was over the past three, two or three years; you said?

8 A. About three years ago since I started borrowing money from the wife.

9 Q. Now, did you borrow the money from the wife or did Asia borrow the money
10 from the wife?

11 A. I personally went up to them and borrowed, asked for it but the promissory
12 note that I write, that states is under Asia Enterprises.

13 Q. So you have a promissory note for the money that you borrowed from Kim
14 Pil Sun?

15 A. Yes.

16 Q. Did Asia get the money from the loans that you made from Kim Pil Sun?
17 Did you put it into Asia's bank account?

18 A. That's not how I run my business?

19 Q. How do you run your business?

20 A. It was all - it was never put into the bank account, it was always borrowed
21 under an urgent situation. Whenever I borrow money from them I will go up to the
22 finance department and pay for the license fee and things like that.

23 Q. The license fee for what?

24 A. (in English) Poker.

1 Q. How long is -- so Asia Enterprises is currently engaged in the business of
2 poker machines?

3 A. Not any more. I shut down --

4 Q. Mr. Kim, you're going to have to wait. let him translate and then you can.

5 A. I shut down for good my poker business not sure April. Either end of April
6 or May last year.

7 Q. Your business or Asia's business?

8 A. My business is Asia Enterprise's business.

9 Q. So there's really no difference between your business and the corporation
10 Asia Enterprises business?

11 MR. NUTTING: Objection; calls for a legal conclusion.

12 A. There is no difference. I am the President of Asia Enterprise Incorporation.
13 I authorize everything. I do all the signatures.

14 Q. So, do you have your own bank account for your own personal expenses?

15 A. I did.

16 Q. When did you have it?

17 A. It was opened around the time I went to Korea last year, but the balance is
18 low, the account is low.

19 Q. Why did you have your own bank account?

20 A. It was for the purpose of my credit card. In order for me to apply for a credit
21 card they require a personal account.

22 Q. So there's no other reason for you to open up your own personal account,
23 besides to get a credit card?

24 A. No.

1 Q. Do you -- so --

2 A. (in English) Wait a moment. Let me think.

3 (by Translator) I used to run another shop and whenever I ordered parts from the
4 States they asked for a credit card, and instead of me going to the post office and making
5 a money order all the time, it was very convenient for me to hold a credit card.

6 Q. Mr. Kim, what about your own personal expenses - eating, paying the rent,
7 paying the water bill for your house and the CUC for your house. For all those
8 expenses, would you just write a check out of Asia Enterprises' account for all those?

9 A. Yes.

10 Q. So, if you had to go buy lunch for yourself and buy dinner for yourself, you
11 would just take some money from Asia Enterprises and go buy that dinner; right?

12 A. (in English) Yes.

13 Q. And if you were going to take a trip or vacation, you would just take money
14 from Asia Enterprises and go take that trip?

15 A. Yes.

16 Q. And you would do that even if it didn't have anything to do with the business
17 of Asia Enterprises?

18 A. Yes. I earn money for the company. I spend what I earn.

19 Q. So you consider all of the income of Asia Enterprises as your own personal
20 money; correct?

21 A. Of course, who else is asking for the pay. I earn for the company. I manage
22 the company. I have every right to spend.

23 Q. Mr. Kim, you file your own personal taxes at the end of each year; right?

24 A. Sometimes I'll just provide her all the documents and she'll go to the Bureau

1 and file.

2 Q. Okay. Now, you have to pay taxes personally at the end of each year on your
3 salary; right?

4 A. I don't pay that personally.

5 Q. Who pays your personal taxes?

6 A. I've never paid for it either. I don't know why I should pay for my personal
7 tax.

8 Q. Did you ever draw a salary from Asia Enterprises?

9 A. I don't know but probably not.

10 Q. So you don't even know if you got a salary from Asia Enterprises?

11 A. I don't know about that.

12 Q. Who kept the books for Asia?

13 A. My accountant.

14 Q. What's the name of your accountant?

15 A. Cindy Yu.

16 Q. Is Cindy Yu also the accountant for Jung Jin?

17 A. Yes.

18 Q. Is Cindy Yu, does she keep copies of all of your tax returns?

19 A. Whatever you have is all the documents that I used to have. I don't have
20 anything with me.

21 Q. So, in the -- how long -- I'm sorry. When did you first come to Saipan?

22 A. Twenty years ago.

23 Q. Okay. You said that all the documents that you, "that I have". Are you
24 referring to the documents that your attorney gave me?

1 A. Yeah, all the documents that I have were given to my attorney. I don't know
2 how, the documents he pass on to you.

3 Q. Did you give the documents to your attorney or did Ms. Yu, Cindy Yu, give
4 the documents to your attorney?

5 A. Probably -- I'm not too sure but probably from Cindy Yu. Or may be Mrs.
6 Park.

7 Q. So you've been in Saipan 20 years; correct?

8 A. (in English) Yes.

9 Q. Have you ever filed a personal income tax return in the last 20 years, in
10 Saipan?

11 A. I don't remember. I'm not too sure. I don't know how these things -- I once
12 worked with the other company too but every salary I get tax is deducted from my
13 check, so I've never asked for a tax return.

14 Q. Okay. When was that that you worked for another company?

15 A. I first worked for Ray Anthony Auto Shop.

16 Q. And then?

17 A. Kim's Auto Shop in Oleai, and third job was one in Garapan, Little Saipan
18 owned by Japanese, auto shop.

19 Q. When was that? When did you work for them?

20 A. (in English) 1987 it was a long time. So, I can't remember now.

21 Q. Are you the owner of Asia Enterprises? Are you the owner of Asia?

22 A. (in English) Uh [unclear if affirmative or negative response]

23 Q. Are there any other owners?

24 A. No.

1 Q. Are there any other shareholders of Asia?

2 A. By the document yes, but they don't hold any shares.

3 Q. So, when you say "by the document", what do you mean?

4 A. I don't know how it works, but my understanding is you need three people to
5 set up a company. You need a president, vice president and a secretary, and I am the
6 president of the corporation and I need two more people to fill up the position.

7 Q. So you have somebody put down on a paper that there are other people that
8 are vice president and the treasurer and the secretary of the company?

9 A. Yes.

10 Q. But they aren't really, they don't really hold those positions, that's just on
11 the paper?

12 A. (in English) No sir. No.

13 Q. So all of these documents that you submit to the government, they're not
14 really true?

15 A. What's not true?

16 Q. Okay. Good question. You - every year you have to sign an annual report;
17 right? For Asia; isn't that right?

18 A. Yes.

19 Q. And on that annual report it lists all these people that hold these positions of
20 directors and officers and shareholders; right?

21 A. Yes.

22 Q. And you sign at the bottom as president; right?

23 A. (in English) Yes.

24 Q. And then you give that to somebody and they will file it with the

1 government; is that right?

2 A. (in English) Yes.

3 Q. And when you sign that you know that that document is going to be given to
4 the government; right?

5 A. (in English) Yes.

6 Q. Because the government has what you think are these requirements that you
7 have all of these positions filled by people; right?

8 A. (in English) Yes.

9 Q. But that's only on the paper; right? That's not true.

10 A. It's actually true.

11 Q. What's true.

12 A. They hold the title.

13 Q. Okay. So Asia has a board of directors; right?

14 A. Yes.

15 Q. Who are the board of directors of Asia right now?

16 A. I am president, vice president is Cindy Yu, I don't know about the last one
17 but I am about to give up on that corporation.

18 Q. Well, before you give up on it, let's talk a little bit more about it. When is
19 the last time - strike that. Who's the third -- you said there's one more person but you
20 don't know who that is?

21 A. I don't remember, I can't remember the name.

22 Q. So, you guys don't have meetings where you decide what the corporation
23 should do?

24 A. Realistically, when I closed down the poker parlor last year in May, I pretty

1 much given up the company. Give up the company.

2 Q. When you closed down the -- before you closed down the poker parlor, did
3 you have a meeting with the other directors, officers of the company, the directors of the
4 company to discuss closing down the poker business?

5 A. Yes, I had.

6 Q. Did you make any minutes, notes of that meeting and file those in the books
7 of the corporation?

8 A. No.

9 Q. And who was present at that meeting?

10 A. It was myself, Cindy Yu and Mrs. Park.

11 Q. Is Mrs. Park presently a director of the corporation? Of Asia?

12 A. No. Until the time we got into an argument, my name was under her list of
13 directors, and her name was under my list of directors, but after the argument we both
14 pulled our names out.

15 Q. Now, is that the argument that was about three years ago?

16 A. It was about two years ago.

17 Q. About two years ago. 2003?

18 A. (in English) 2003 or 2002.

19 Q. Well, let's try to narrow it down. Asia Enterprises, Asia used to own
20 Wonderful Market and Wonderful Laundry; right?

21 A. (in English) Wonderful.

22 Q. Wonderful Market and Wonderful Laundry.

23 A. (in English) Yes.

24 Q. Yes. On Texas Road.

1 A. (in English) Yes.

2 Q. In Susupe?

3 A. (in English) Yes.

4 Q. In Chalan Kanoa?

5 A. (in English)

6 Q. Right in between there; right? Kind of close to the cemetery; right?

7 A. (in English) Yes.

8 Q. Asia, or you, you sold that; right?

9 A. (in English) Yes.

10 Q. When did you sell it?

11 A. (in English) Almost now three years, almost three years. Like two years or
12 three years later.

13 Q. Do you remember when?

14 A. (in English) I don't remember that.

15 Q. You sold it for \$100,000; right?

16 A. (in English) Yes.

17 Q. And that was in 2003; wasn't it?

18 A. (in English) May be around like that.

19 Q. About June 2003?

20 A. (in English) May be like that.

21 Q. Some time in the middle of 2003?

22 A. (in English) Yes middle.

23 Q. About two and a half years ago?

24 A. (in English) Yes.

1 Q. Now, when did -- did Mr. Choi, did he sue you before or after you sold
2 Wonderful Market?

3 A. (in English) Wonderful Market. After I sell it.

4 Q. After?

5 A. (in English) Yes.

6 Q. How much, how long after you sold Wonderful Market?

7 A. Mr. Choi sued him before he sell the market.

8 Q. Before you sold Wonderful Market. So, now we're --

9 A. It was after.

10 Q. It was after. How long after you sold Wonderful Market, did Mr. Choi sue
11 you?

12 A. That person again. Mr. Choi fought for losses before he sold his market. Mr.
13 Choi has got nothing to do with the market.

14 Q. I'm just trying to figure out in time, when --

15 A. (in English) I sold the market around two years ago now, two years ago.

16 Q. Right. Did Mr. Choi sue you before or after you sold the market?

17 A. Before I sold the market.

18 Q. How long before you sold the market?

19 A. Mr. Choi fought for losses even before I bought the market.

20 Q. How long - when did you buy Wonderful Market?

21 A. About three years ago. I need to see the document.

22 Q. Is there a document that shows when you bought Wonderful, when you
23 bought Wonderful Market?

24 A. Probably not.

1 Q. Now, after you sold Wonderful Market, the business, Asia didn't do anything
2 any more for a little while; right?

3 A. You're right.

4 Q. Because you had poker machines back in 2001; right? Asia had poker
5 machines?

6 A. The poker parlor was opened about five months later after I bought the
7 laundrymat.

8 Q. Did you have -- you and Mr. Choi had a poker business together; right?
9 That's what caused your problems with Mr. Choi?

10 A. Yes.

11 Q. And that was way back in 2000?

12 A. Probably.

13 Q. And around the beginning of 2001, did you stop your poker business?

14 A. No.

15 Q. When did -- have you always had a poker business going on?

16 A. Under Jung Jin Corporation.

17 Q. You had a business under Jung Jin Corporation?

18 A. Yes.

19 Q. So you were partners with Jung Jin Corporation?

20 A. (in English) Contract.

21 Q. Contract. Did you have a written contract with Jung Jin Corporation?

22 A. I did.

23 Q. When did you enter into a written contract with Jung Jin Corporation?

24 A. After Ms. Li come to, joined the company. Before that I was running an

1 auto shop and I used to fix their washing machines. It was initially agreed repairing all
2 the washing machines. I'll explain to you about how I got into an agreement, written
3 agreement, with the Jung Jin Corporation. It was a monthly contract, and under the
4 contract I was obligated to repair all their washing machines whenever they have a
5 problem, and maintain the business and the building.

6 Q. You and Asia?

7 A. (in English) Uh [unclear if affirmative or negative response].

8 Q. There's really no difference; right?

9 A. I'm Asia in all matters.

10 Q. So when I talked about you, when I talked about Asia, it's probably easier
11 just to talk about you and Asia all just one thing; right?

12 MR. NUTTING: Objection; misstates the testimony.

13 MR. HANSON: I was asking a question. The answer was yes.

14 (An off-the-record discussion was held.)

15 (Time noted: 03:32 p.m.)

16 (A recess was taken.)

17 BY MR. HANSON: All right. We're back on the record after a short break.

18 (Time noted: 03:46 p.m.)

19 BY MR. HANSON: This is Mark Hanson. Still the attorney for plaintiffs and
20 everybody in the room before is still present. Before we broke Mr. Kim, you were
21 talking about a written contract with Jung Jin about something. I think you initially
22 started to say it was about a poker business, but that it started before the poker business
23 with repairing the laundry equipment; is that right?

24 A. Yes.

1 Q. Now, do you have a copy of that written contract?

2 A. I know -- I know for sure I signed up for a written contract but I'm not sure
3 whether I should, whether I still have it or not.

4 Q. Do you --

5 A. The purpose of the written contract was for me to issue a license.

6 Q. I'm sorry, the purpose was what?

7 A. (in English) License.

8 (by Interpreter) There's a category, maintenance license category under--

9 Q. Business license?

10 A. Yes, under Asia, and I needed that license.

11 Q. Where did you keep the written contract before?

12 A. It was put along with the other documents in the drawer.

13 Q. What -- a drawer where?

14 A. I move a number of times. I used to live in the auto shop. I moved to
15 another house. I don't -- I can't find it.

16 Q. Is that contract still in effect now?

17 A. I don't need it, it should have expired.

18 Q. Did it expire?

19 A. There is no expiration date written on the contract, so once it's on, its on until
20 I request for a termination.

21 Q. Did you ever request for a termination?

22 A. No.

23 Q. Is it still on?

24 A. Even if it is, I have not, no work to do.

1 Q. Why don't you have any work to do?

2 A. There is nothing. I don't do any more.

3 Q. Okay. What was the contract for - what kind of work?

4 A. Basically handyman. Whenever there is a problem with the business or
5 house like changing light bulbs or repairing a poker machine, a washing machine, basic
6 maintenance and painting.

7 Q. That agreement was with Mrs. Park and Jung Jin?

8 A. (in English) Jung Jin Corporation.

9 Q. Not Mrs. Park?

10 A. (in English) No Mrs. Park, Jung Jin Corporation and Asia. We are the
11 contractor.

12 Q. Okay. And when is the last time that Asia did services under that agreement
13 for Jung Jin?

14 A. Until last month.

15 Q. Last month?

16 A. (in English) Yes.

17 Q. So, and what happened last month that you stopped doing work for Jung Jin?

18 A. (in English) Jung Jin - somebody take over the laundrymat that I stop.

19 Q. Who took over the laundrymat?

20 A. (in English) Korean.

21 Q. What's his name?

22 A. (in English) Kim Ki Sung.

23 Q. Can you spell that for me please?

24 A. (in English) K-I-M K-I then S-U-N-G.

1 Q. Who is Mr. Kim?

2 A. (in English) He's Korean.

3 Q. Okay. What does he do?

4 A. (in English) Poker business.

5 Q. Poker machines?

6 A. (in English) Poker business.

7 Q. Poker business?

8 A. (in English) Yes.

9 Q. Did you ever -- were you ever in business with Mr. Kim?

10 A. (in English) Yes.

11 Q. When was that?

12 A. I did it for one year, but that also -- I wrapped it up last year May.

13 Q. So, last year May would be May 2005; right?

14 A. Yes.

15 Q. So, from let's say May 2004 to May 2005, you were in a business - you or

16 Asia --

17 A. (in English) Yes.

18 Q. -- were in a business with Mr. Kim?

19 A. (in English) Yes.

20 Q. What was -- and the business was a poker business?

21 A. (in English) Poker business.

22 Q. Now you were also in a poker machine business with Jung Jin; right?

23 A. (in English) No.

24 Q. Before I asked you if you ever stopped your poker business. If Asia ever

1 stopped its poker business, after it was in business with Mr. Choi. Do you remember me
2 asking you that?

3 A. You're right.

4 Q. Yeah, and you said no, Asia's always had the business, the poker business,
5 you said through Jung Jin.

6 A. No.

7 Q. So, Asia had a poker business before with Mr. Choi; right?

8 A. Yes. For one year.

9 Q. Then you stopped the poker business?

10 A. Yes.

11 Q. When did you stop the poker business?

12 A. (in English) Maybe he has in his file, because he's the one control that – Mr.
13 [unclear] knows when is finish – because ah his file maybe there is when is there finish.

14 Q. And how long was it before you had a poker business again?

15 A. From April year 2005 to May year 2005.

16 Q. So if I told you that you stopped the poker business some time in 2000, early
17 2001, does that sound right?

18 A. I can't keep track of the timeframe but that sounds about right. I got into a
19 partnership with Mr. Choi for one year. I stopped a number of years and re-started in the
20 year 2004 and concluded in year 2005.

21 Q. So from 2000, from about May 2004 to about May 2005, you and Asia, or
22 let's just say Asia, had a poker business with Mr. Kim.

23 A. (in English) Yes.

24 Q. How many machines did you have?

1 A. Eight machines.

2 Q. What's the licensing fee for each machine?

3 A. (in English) Each machine, licensing fee. It's \$12,000 each machine.

4 Q. Each machine for a year?

5 A. (in English) Yes.

6 Q. 12,000?

7 A. (in English) Yes.

8 Q. What was the total licensing fee?

9 A. \$12,000 times eight.

10 Q. Which is about 96,000; right?

11 A. (in English) Yes.

12 Q. Okay. Who paid the licensing fee?

13 A. Mr. Kim.

14 Q. Okay. So there's \$400,000 that you got from the wife of Kan Pacific, Ms.

15 Kim. You told me earlier you used that money to pay the licensing fees; right?

16 A. You're right.

17 Q. Did you use that money to pay the licensing fees for Jung Jin's machines or
18 for Asia's machines?

19 A. Both Asia and Jung Jin.

20 Q. So you borrowed money from Mrs. Kim.

21 A. (in English) Yep.

22 Q. In your own name.

23 A. Yeah.

24 Q. But you signed a promissory note under Asia's name.

1 A. (in English) Yes.

2 Q. And you took that money and you used it to pay licensing fees for Jung Jin
3 machines and Asia machines?

4 A. (in English) Yes.

5 Q. And how much money did you borrow?

6 A. (in English) May be 400,000 sum.

7 Q. Did you ever pay any of the money back?

8 A. (in English) Cannot.

9 Q. So Mrs. Kim just gave you \$400,000 and –

10 A. (in English) Actually when I pay back, because –

11 (by interpreter) I was going to sell the laundrymat and pay off some of the debt I
12 owed to Kan Pacific's wife, but that didn't work out and I used to have up to five poker
13 parlors in San Antonio area, and that also, the business was not good either, so.

14 Q. Okay. You said you were going to sell your laundrymat. What was the name
15 of that laundrymat?

16 A. Welcome.

17 Q. And you said you used to have up to five poker parlors around Saipan. What
18 were the names of those five poker parlors?

19 A. (in English) J-A and then Sun then J-V and J.

20 (by Interpreter) I have one in Koblerville, San Antonio. Everywhere, but nothing
21 really made any money, make any money, so it was all closed down.

22 Q. Now, when you say you who are you talking about? Are you talking about
23 you or are you talking about Asia, or are you talking about you and Asia?

24 A. I don't understand why you keep trying to include Asia, or segregate Asia

1 and myself together or try and difference to those two. I myself, Asia is the company
2 that belongs to me and I am the president of the Asia enterprise.

3 (in English) My name is Kim also. Separate how -- what you mean. What you
4 talking about. I don't understand that.

5 Q. You don't see any difference between you and Asia; right?

6 A. (in English) Hmm. I don't know this.

7 Q. Okay. I'm just a little confused. What I would say, if you agree with me,
8 whenever I say you from now on, I'm going to be talking about Asia.

9 A. Can you call him Mr. Kim and call Asia, Asia Enterprises?

10 Q. Well, I -- what's the difference?

11 A. (in English) Okay. Let me explain to you. Asia, when I came Saipan I open
12 businesses of the Cairo company, Cairo is Asia. Okay?

13 Q. Okay.

14 A. (in English) I'm personal Kim. Okay?

15 Q. Yes.

16 A. (in English) That's my, you know, that's family name. Which one is the one.

17 Q. I -- Mr. Kim I apologize. I'm not trying to offend you. I'm just trying to be
18 clear in my mind, when I say --Okay. I don't understand.

19 A. (in English) You just ask stupid question. This is eggs. This is like chicken.
20 What do you mean—what the same

21 Q. We're not saying that.

22 A. (in English) I don't understand. Here. Not same. Here eggs from the
23 chicken. Right?

24 Q. Right.

1 A. (in English) So what you're talking, I don't understand. You, Asia, one or
2 two. I don't understand. Tell him to, what's this -- I'm sorry, you know, but you know
3 my voice is high you know. I understand with this. Okay. Let me tell you again. Asia,
4 when I come Saipan, I open business. The name is Asia Company. Okay. Example
5 your office, this is the law office, right? If this one name example. This is you; right?

6 Q. Right.

7 A. (in English) Asia talking over is correct, you are wrong. Tell me, what's the
8 same what's the difference.

9 Q. Okay. I guess it's like this. Asia has a poker machine; right? Let's say Asia
10 owns one poker machine.

11 A. (in English) Yes.

12 Q. Would it be fair to say, if I say Mr. Kim owns a poker machine, is that true?

13 A. (in English) Oh yeah, that's correct.

14 Q. So it's the same? It's the same poker machine. I say Asia owns the poker
15 machine. Mr. Kim owns the poker machine. That's the same thing; right?

16 A. (in English) Asia is different. Asia have poker machine. Okay. Mr. Kim
17 have one poker machine. This belongs to Mr. Kim. This poker machine belongs to Mr.
18 Kim. Okay. I'm talking about. Okay. I have one poker machine, but if someone
19 talking about this one, this machine belongs to Asia. The owner is Mr. Kim, president is
20 Mr. Kim. This correct. I'm talking about that. This not wrong, correct. Okay. This
21 poker machine belongs to, but it is Asia poker machine, Asia, but the owner is Mr. Kim.
22 President is Mr. Kim.

23 Q. So, Asia and Mr. Kim own that one poker machine; right?

24 A. (in English) This is very important?

1 Q. No. It's not. Let's move on.

2 A. (in English) Is not important.

3 Q. What I will do from now on is –

4 A. (in English) Okay. You call me Mr. Kim.

5 Q. Mr. Kim.

6 A. (in English) If you're talking about Asia, Asia.

7 Q. Asia.

8 A. (in English) It is better like that.

9 Q. Okay. I'm sorry. I don't want to make you get a headache.

10 A. (in English) Have a headache.

11 Q. I know, I'm sorry. I have a headache too now.

12 A. (in English) I is sorry it is a problem.

13 Q. Okay. I'm just going to say Asia.

14 A. (in English) Okay.

15 Q. But if I say you, I mean Asia.

16 Do you understand?

17 A. Just say Asia.

18 Q. And if there's a difference, if you say no, no that's me, Mr. Kim, not Asia. I
19 want you to tell me.

20 MR. NUTTING: I will note for the record that it's not incumbent upon the
21 Deponent to try to determine whether you're talking about whether Asia Corporation or
22 himself personally, and any ambiguities which may result as a result of your continuing
23 to refer to using the pronoun you to refer to either Asia Corporation or Mr. Kim as you
24 see fit, any ambiguity that may result of that should be interpreted against you.

1 MR. HANSON: So noted.

2 Q. Mr. Kim, when I asked you, when you were talking about five poker
3 businesses, five poker places, you used the word "I", I would try to sell my five poker
4 places. Is that what you said?

5 A. I guess so, I guess you can say I started the poker parlors.

6 Q. Okay. Is Asia the one that owned the poker places, or is Mr. Kim the one
7 that owned the poker places?

8 A. I guess we can say Asia owns poker parlors.

9 Q. Okay. And one of the poker parlors Asia owns is JV Poker; right?

10 A. (in English) No.

11 Q. Is one of the poker places that Asia owns JA Poker?

12 A. (in English) No.

13 Q. Is one of the poker places that Asia owns Sun's Poker?

14 A. (in English) No.

15 Q. Is one of the poker places that Asia owns J's Poker?

16 A. (in English) No.

17 Q. So who owns all those poker places?

18 A. All under Jung Jin.

19 Q. Well then why were you trying to sell Jung Jin's poker places?

20 A. Because she asked me to sell the business for her.

21 Q. Who's she?

22 A. Mrs. Park.

23 Q. So, does Mrs. Park own JV Poker?

24 A. (in English) Yes.

1 Q. Or does Jung Jin own –

2 A. (in English) Jung Jin.

3 Q. So did Jung Jin ask you to sell the businesses or did Mrs. Park ask you to sell
4 the businesses?

5 A. Mrs. Park told me.

6 Q. Mrs. Park told you to sell the businesses and take the money and pay back
7 the wife of Kan Pacific? You said earlier that Asia's the one that owes Kan Pacific;
8 right?

9 A. (in English) Yes.

10 Q. So why -- so why is Jung Jin going to pay, use the money from the poker
11 places to pay Kan Pacific?

12 A. Because it was, the borrowed money was used for paying licensing fees for
13 Jung Jin, on the Jung Jin Corporation.

14 Q. Now you told me earlier you had, you owned a laundrymat; is that right?

15 A. No, not me, it was under Jung Jin Corporation. The only thing that belonged
16 to me, belonged to me was auto shop.

17 Q. Okay. I got a question for you. Have you ever seen this before?

18 A. (in English) Yes.

19 Q. Okay. What is that?

20 A. (in English) Okay.

21 Q. For the record, we'll mark this as Exhibit A.

22 A. (in English) Okay.

23 MR. HANSON: Okay. I'm going to need you to stop him so you can get
24 translations.

1 THE WITNESS: (in English) No you have to talk to him one by one then he
2 understand.

3 MR. HANSON: I want him to -- I want you to tell me. I need him to just
4 translate. You tell me.

5 THE WITNESS: Okay.

6 MR. HANSON: Make me understand.

7 MR. TAE: Okay.

8 MR. HANSON: Can you say what he just said to you?

9 MR. TAE: All the things. Okay. It won't be accurate because it's a long story.
10 Okay. The person who put up this ad is a good friend of his and he once visited Mr.
11 Nutting's office with Mr. Kim to translate, and he actually runs this newspaper. He, his
12 friend owns this newspaper company and his, that person put up all this advertisement
13 and he made up with all this unnecessary word, not true, categories, stating that Mr. Kim
14 is selling finest house to sell, he's doing business establishment consultation, and all the
15 things that does not belong to him. Mr. Kim's friend listed all the businesses that he
16 used to have.

17 THE WITNESS: So, it says, this one 1990, I continue this kind of business with.

18 MR. HANSON: Can we go off the record? Strike all this and go off the record?

19 BY MR. HANSON: So you saw that in the newspaper?

20 A. No, I didn't. I only found out a day after the advertisement was put up, and I
21 found out through Mr. Nutting's secretary. It makes no sense. It makes no sense to me
22 to put up an ad when I can, when they can see the paper right away. Everybody will find
23 out that I'm selling my business. I didn't pay for this ad.

24 Q. Who paid for it?

1 A. It was his friend who owns the newspaper company, and he voluntarily put
2 up this ad.

3 Q. So, you never asked this guy to put this ad in the newspaper?

4 A. He's mentioned about it. I've mentioned about it but I've never formally
5 asked him to put up an ad, advertisement.

6 Q. Is this in connection with your trying to sell all the poker places and the
7 laundrymat?

8 A. No.

9 Q. But you were trying to sell all the poker places and the laundrymat; right?

10 A. Yes, that's true. Because I needed to pay back my debt. When this lawsuit
11 case was on the newspaper, everybody found out that I might be in trouble, so all my
12 debtors came to me and demanded for the money I owed. People called me late at night
13 and keep their eyes on me. They would call my house and make sure that I'm here, here
14 on the island, and hang up on me.

15 Q. So you have a house?

16 A. Yes, one in Susupe.

17 Q. Where is it located in Susupe?

18 A. Near across Verizon.

19 Q. Is that Mr. Kim's house?

20 A. Yes.

21 Q. Is that Asia's house?

22 A. Mine personally.

23 Q. Is that Jung Jin's house?

24 A. No.

1 Q. Is that Mrs. Park's house?

2 A. No.

3 Q. When did you buy the house?

4 A. I didn't buy that house, I bought the land about four years ago.

5 Q. And then you built a house on it?

6 A. Yes.

7 Q. Where did you get the money to build the house?

8 A. Borrowed. When it was borrowed it was mine. The original term was the
9 borrower, I mean the lender uses the whole, because it's a big block, uses the whole
10 space and I take one space on the side. That was the initial plan.

11 Q. Who's the lender?

12 A. Mrs. Kim.

13 Q. The one you borrowed the 400,000 from?

14 A. Yes, and that money is included. That amount is included in \$400,000.

15 Verizon was once interested in buying the block for \$450,000. They never came
16 back to me.

17 Q. Now, which one to talk about first. Let's start with all the people that called
18 you when they found out this lawsuit was against you. Can you give me a list of names
19 please.

20 A. I know their names but I can't give out their names.

21 Q. Why not?

22 A. They, those people who lend that money to me, they've been here for a long
23 time, here on the island, and I do not want to ruin their reputation. I, part of the reason
24 why I don't file for bankruptcy is that I don't want to put them on the stand to testify.

1 Q. Well, why don't you start telling me their names.

2 A. Do I have right now to give out their names? The least I can do is call them
3 up and ask for their permission.

4 Q. I would like to know who you owe money to, who you claim you owe money
5 to.

6 A. (in English) K-I-M P-I-L S-U-N.

7 Q. Okay.

8 A. (in English) And then K-I-M K-I S-U-N-G.

9 (by Interpreter) Those are the large amount creditors.

10 Q. Okay. So, \$400,000 approximately to Kim Pil Sun.

11 A. (in English) Yes.

12 Q. How much to Kim Ki Sung?

13 A. (in English) Kim Ki Sung is almost 70,000, 80,000 no –

14 (by Interpreter) 180,000.

15 (in English) 180,000.

16 Q. 180,000.

17 A. 1080 180.

18 (in English) 1800.

19 Q. Who else? Who else?

20 A. There are small credit, amount creditors, like 10,000 to 20,000.

21 Q. Please, I would like to go through all of them. Who else?

22 A. (in English) S-U-N-G

23 (by Interpreter) Y-O-N-G. That's S-E-O Y-O-N-G K-I.

24 Q. How much do you owe this Seo?

1 A. Around \$50,000, but it's not for sure because Mrs. Park borrowed the money
2 from.

3 Q. Mrs. Park borrowed the money from Seo.

4 A. Yes.

5 Q. Who else?

6 A. There are a lot more but it was borrowed through Mrs. Park.

7 Q. Does Asia owe Kim Pil Sun \$400,000?

8 A. Not an exact amount.

9 Q. Approximately?

10 A. Yes.

11 Q. Does Mr. Kim, you.

12 A. (in English) Yes.

13 Q. Mr. Kim.

14 A. (in English) Yes.

15 Q. Do you owe Kim Pil Sun \$400,000?

16 A. (in English) Yes, around that.

17 Q. Does Jung Jin owe Kim Pil Sun \$400,000?

18 A. (in English) No, Asia.

19 Q. Not Jung Jin.

20 A. (in English) Not Jung Jin.

21 Q. Even though the money, some of the money was used to pay for the licensing
22 fees for Jung Jin?

23 A. (in English) Yes.

24 Q. Why is that - why don't you think that Jung Jin owes some money to Kim Pil

1 Sun?

2 A. Because a large portion of the amount was put to build the house on Susupe
3 lot, and they said only, and this lot belongs to Mr. Kim, and creditors want some kind of
4 a security bond, which is the lot and the house. That's why it's under Asia and myself.
5 It's a big lot and they know, I mean she knows that the lot is worth a large amount of
6 money and she also knows that Verizon was once interested in buying the lot for
7 \$450,000.

8 Q. Does Kim Pil Sun have a security interest - did you give her a mortgage or
9 something for the lot?

10 A. Yes, the lot and the vehicle.

11 Q. The vehicle, what vehicle?

12 A. Toyota Tacoma.

13 Q. The ones you just bought last year; right?

14 A. Hmm.

15 Q. But she's not listed on the registration; is she?

16 A. I'm not too sure but they took everything.

17 Q. When, when did they take everything?

18 A. Two weeks ago. Either last week or the week before.

19 Q. How did they take everything?

20 A. They came to me and said that they put all the vehicles on mortgage, so I
21 gave them all the necessary documents, or all the documents that they asked for.

22 Q. What about the house? You just did that two weeks ago?

23 A. Two weeks ago last Monday. Probably.

24 Q. And who are we talking about here? Kim Pil Sun or are we talking about

1 other people?

2 A. Kim Pil Sun only.

3 Q. So Kim Pil Sun came to you and asked you to mortgage your house and your
4 cars?

5 A. Yes.

6 Q. And this was either last week or the week before last?

7 A. Yes. The promissory note was made upon the time of the transaction.

8 Q. Where's the promissory note?

9 A. Probably at home.

10 Q. How much is the promissory note for?

11 A. I think it's about \$350,000.

12 Q. Was that all at one time, that loan made all at one time?

13 A. No, it was made little by little. 30,000 at a time, 50,000 at a time. Whenever
14 I needed now for to pay off -It started after I bought this land.

15 Q. When did you buy the land?

16 A. Four years ago.

17 Q. And when did you enter into a promissory note with Kim Pil Sun?

18 A. Two years ago.

19 Q. For 350,000?

20 A. Promissory note was made every occasion, and it was amended and put
21 together last year for \$350,000.

22 Q. So, you have a bunch of promissory notes?

23 A. I didn't - it was - the promissory note was not made every occasion. So,
24 when the ladies who threaten by, or nervous, she might not be able to get her money

1 back, she asked me to write a promissory note, and the total amount that I owed came to
2 about \$350,000.

3 Q. And you say that that was about two years ago?

4 A. Sometime in the year 2004.

5 Q. And since then the amount has gone up to around 400,000; is that right?

6 A. After I prepare the promissory note Mrs. Park went to Mrs. Kim and
7 borrowed some more. I don't know the exact amount.

8 Q. Mrs. Park borrowed the money or Jung Jin borrowed the money?

9 A. Mrs. Park.

10 Q. So how much of that \$400,000 does Mrs. Park owe Kim Pil Sun?

11 A. I don't know. It was all Mrs. Park who went to Mrs. Kim and borrowed all
12 the money.

13 Q. Well, you said earlier that you owe that money to Mrs. Kim; right? Kim Pil
14 Sun? You owe the money, you, Mr. Kim?

15 A. (in English) Yes.

16 Q. You owe the money to Mrs. Kim?

17 A. (in English) Yes.

18 Q. Even the money that Mrs. Park borrowed?

19 A. (in English) Yes.

20 Q. Why do you owe the money that Mrs. Park owed?

21 A. Mrs. Kim thought that me and my, that me and Mrs. Park was husband and
22 wife, and when you're a couple it doesn't really matter who you give it to.

23 Q. What did Mrs. Park do with the money?

24 A. Mrs. Park handle the book, she handle the money.

1 Q. For Asia?

2 A. Asia and something.

3 Q. And you, Mr. Kim?

4 A. Yes.

5 Q. How much do you think Asia Enterprise had in gross revenues in all of 2003?

6 A. Absolutely no idea.

7 Q. How much do you think Jung Jin had in gross revenues in 2003?

8 A. You should have it all. I wouldn't know.

9 Q. Okay. I'll show you what they, I'll show you what Asia Enterprises and Jung
10 Jin supposedly reported to the government in 2003. I'm going to show you what we've
11 marked as identification as Document number 01543, which is Asia Enterprises Business
12 Gross Revenue Tax Quarterly Return for 2003, Fourth Quarter 2003.

13 I'll show you also Document 01585, which is a Business Gross Revenue Tax
14 Quarterly Return for the Fourth Quarter of 2003 for Jung Jin Corporation.

15 Now those - have you seen those documents before?

16 A. Not clearly. I only sign on those documents whenever they ask me to sign on
17 them.

18 Q. But you don't look at them?

19 A. I wouldn't know even if I looked at them. How many of those Korean
20 businessmen would know this kind of thing. Everybody depends on business agent.

21 Q. What business agent did you depend on in this circumstance?

22 A. Cindy Yu.

23 Q. So Cindy Yu is the one that prepared those documents?

24 A. I provide her all the documents. I provide her all the documents, the

1 necessary documents, and she prepares all this.

2 Q. Okay. Do you see on there - and I'm talking about the document number
3 01543, this document here. Do you see where it says how much money that Asia
4 Enterprises reported as its gross revenue, for 2003?

5 A. No I don't. It should be there.

6 Q. Do you see line number 5 on the document?

7 A. I see it but I don't know what it means. When they ask me to, they ask me to
8 keep all the receipts, and I keep all my receipts and provide to them.

9 Q. So you don't have any reason to believe that Cindy Yu would have been
10 making up numbers for Asia Enterprises; right?

11 A. This was prepared - Cindy Yu prepared these documents with Mrs. Park and
12 when ready to sign, Cindy would call him, would call him and he goes up to her office
13 and signs them.

14 Q. So Mrs. Park helped Cindy Yu prepare the documents, even for Asia?

15 A. Mrs. Park would bring a box of receipts, filled with receipts, and Mrs., Cindy
16 do this by herself and they will gather all the receipts and prepare the documents.

17 Q. Those receipts are from Asia; is that right?

18 A. Yes.

19 Q. And also they have receipts from Jung Jin?

20 A. Separately.

21 Q. Okay. But, the money that you were borrowing from Kim Pil Sun, and that
22 Park was borrowing from Kim Pil Sun, was put together and used to build the house and
23 to pay the licensing fees; right?

24 A. Yes, the money was borrowed, lend to him and he used it for paying for

1 Jung Jin's licensing fees and build houses, house.

2 Q. Why did you have to borrow the money from Kim Pil Sun?

3 A. She had money and she was close with him.

4 Q. You didn't have enough money for yourself, for your business?

5 A. No I didn't. No, whatever I earned for myself was used for my pocket
6 money, paying for gas, the rent.

7 Q. And the same with Jung Jin. Jung Jin didn't have enough money, so it also,
8 Ms. Park had to go borrow money from Kim Pil Sun to pay for licensing fees?

9 A. Yes, but it was, money was lend to him because he said the lot, he said that
10 something may be pay for later if she can't pay up then.

11 Q. Now you just used "him" again. Are you talking about Mr. Kim or are you
12 talking about Asia?

13 A. Mr. Kim.

14 Q. But the promissory note you say, all the promissory notes were in the name
15 of Asia; is that right?

16 A. Both my name and Asia.

17 Q. Would it surprise you to know that in 2003, you reported to the CNMI
18 government that Asia made over \$300,000 in gross revenues?

19 A. Hmm.

20 Q. And Jung Jin told the government that it made over \$400,000 in gross
21 revenues.

22 A. Okay. Let me explain this to you –

23 Q. Wait, wait, wait.

24 A. When I reported these documents to the government, I had prepared all the

1 documents formally, meaning whatever they asked for but they deny me. The purpose of
2 that was to renew my business permit. After they deny my permit, I needed to prove to
3 the government that I do make decent amount of money, that's why I, they put up the
4 amount, falsely increase the amount. Although I made zero, I still file for a couple of
5 hundred dollars for my tax and pay my income. Otherwise they would deny my entry
6 permit here.

7 Q. So you say you were forced to misrepresent your taxes to the CNMI
8 government so that you could secure your continued business entry permit?

9 A. You're right, that's how I can get my permit.

10 Q. And you only had to do that in 2003?

11 A. No, it was, it's an ongoing thing. I did the same thing in year 2002.

12 Q. You misrepresented how much money Asia made in 2002 also?

13 A. Yes. That's how they renew my permit.

14 Q. But I thought you said you gave Cindy Yu and Mrs. Park all of the receipts
15 and that's where these numbers came from.

16 A. Yes, but I asked them to increase the numbers.

17 Q. So how are we supposed to know today how much money Asia Enterprises
18 grossed in 2003? Are there any documents that exist that show a true number of how
19 much Asia Enterprises made in 2003?

20 A. No.

21 Q. There are no documents?

22 A. I was satisfied with leaving with her.

23 Q. Mrs. Park?

24 A. Yes.